

Frequently Asked 112(j) Questions

1. What facilities are subject to 112(j)?
 - A. In order for a facility to be subject to 112(j), it must meet all three of the following criteria:
 - (1) The facility must have the potential to emit greater than 10 tons/year of a single hazardous air pollutant (HAP) or 25 tons/year of a combination of hazardous air pollutants (HAPs);
 - (2) The facility must be subject to the Title V permit program (i.e., have a Title V permit, have submitted a Title V permit application, or is required to submit a Title V application); AND
 - (3) The facility will be subject to a future MACT standard the EPA has failed to promulgate by the required deadline of May 15, 2002. There are over 30 MACT standards EPA has failed to promulgate by the required deadline. Go to <http://www.epa.gov/ttn/atw/112j/112jaypg.html> to get a list of these MACT standards and preliminary applicability information for each standard. **[April 2002]**
2. When are 112(j) applications due and what must the applications contain?
 - A. The 112(j) application is a phased two-part application. Part 1 was due May 15, 2002. The Part 2 application deadline varies by source category. See the latest “MACT Hammer Update” on our website for the specific deadlines. The application content for the Part 1 and Part 2 applications can be found in 40 CFR 63.53. **[Updated April 2003]**
3. Will DHEC develop a standardized 112(j) application form?
 - A. No form was developed for the Part 1 permit application. Facilities should use their company letterhead to submit the information required for Part 1 applications. DHEC has developed standardized Part 2 application forms for South Carolina facilities to use if needed. These forms can be found on our website. **[Updated April 2003]**
4. My facility did not get a notification letter from DHEC. Does that mean I’m not subject to 112(j)?
 - A. No. Facilities are responsible for complying with the 112(j) permit application requirement regardless if they have been notified by DHEC. DHEC has attempted to identify all affected facilities, but may have missed some. The letters DHEC sent to facilities on February 13 and March 25 were compliance outreach efforts. **[April 2002]**
5. How do I go about determining if my facility will be subject to one of the future MACT standards?
 - A. If a MACT standard has been proposed, a facility should review the applicability language within the proposed rule to see if it may apply. If the MACT standard has not been proposed, facilities should go to the EPA’s “112(j) MACT Rule Status Table” at <http://www.epa.gov/ttn/atw/112j/112jaypg.html> to review the preliminary applicability language. Please note that some MACT standards cover a wide range of processes. For instance, the Paper and Other Web Coatings MACT standard also covers plastic, film, and foil web coatings. Facilities should review each MACT category carefully. **[April 2002]**

6. My facility is a major HAP source, but it doesn't seem to fit into any of the MACT source categories currently listed. Do I need to submit a Part 1 application by May 15, 2002?
 - A. If the facility has determined that none of the MACT standards that were supposed to be promulgated by May 15, 2002, will apply to its facility, a 112(j) permit application is not required by May 15, 2002. However, these facilities should provide a written notification with supporting documentation to DHEC stating why 112(j) is not applicable. We are asking each facility that receives a 112(j) letter from DHEC to provide a response by May 15, 2002. We will be following up with all facilities that do not respond. **[April 2002]**
7. We have a small boiler that only burns fuel oil and natural gas. The boiler does not have the potential to emit (PTE) greater than 10 tons/year (tpy) of a single HAP or 25 tpy of a combination of HAP's. Will the boiler MACT (Subpart DDDDD) apply?
 - A. The preliminary applicability information for this MACT on EPA's website does not provide a size cutoff for boilers nor specifies any blanket exemptions for fuel types. Based on information DHEC previously received it appeared that the EPA was planning to only include boilers with an input capacity greater than 10 mm BTU/hr. But we have recently learned that the EPA does not plan to provide any size cutoff for this MACT. Therefore, all major HAP facilities with a boiler (any size and using any fuel with the exception of some waste boilers subject to another Federal standard (see EPA's website)) should submit a Part 1 application by May 15, 2002. **[April 2002]**
8. My facility is a major HAP source. It is subject to an existing MACT standard that had a "first compliance date" of June 2000, and has a final compliance date of June 2002. It may also be subject to other future MACT standards such as the "MON" and the Boiler MACT. When is it too late to limit my PTE of HAP and avoid all MACT standards? If we plan to limit our PTE in the future, is a Part 1 application still due May 15, 2002?
 - A. Some MACT standards, especially for the chemical manufacturing industry, will have multiple compliance dates. For instance, facilities subject to the Polyether Polyols MACT (40 CFR 63, Subpart PPP) had to comply with the equipment leaks provisions by June 01, 2000, but the compliance date for the other emission limitations is June 01, 2002. In accordance with the EPA's "once in, always in" policy (May 16, 1995), facility must comply with an applicable MACT standard once the first compliance date has passed. Therefore, it would be too late to avoid a MACT standard that had a "first compliance date" of June 2000. The first compliance date must be a substantive compliance date (i.e., equipment leaks provisions, work practice standards, etc.), and not a notice deadline. It is not too late, however, to avoid MACT standards such as the MON or Boilers MACT. A facility can limit their PTE anytime before the first compliance date. A facility must request and obtain a permit that limits or caps their HAP emissions to less than the major HAP source thresholds. The EPA is working on guidance that would allow a facility to opt out of a MACT standard after the first compliance date if the facility has implemented a pollution prevention project to reduce HAP emissions. This guidance is not yet available. **[April 2002]**
9. The 112(j) rule final amendments require facilities to submit a Part 1 application within 30 days of being notified by the permitting authority. Is the February 13 letter from DHEC my notification? Was my Part 1 application due March 13 or it is due May 15, 2002?
 - A. Agencies are not required to notify facilities of the 112(j) requirements. The letters sent by DHEC on February 13 and March 25, 2002, were not notification letters as specified in 40 CFR 63.52(a)(2), but a compliance outreach effort. All Part 1 applications for existing sources are due

May 15, 2002. The notification requirements mentioned in §63.52(a)(2) are for facilities that fail to submit a Part 1 application by the May 15 deadline. Once discovered by the permitting authority, these facilities will be given 30 days to submit a Part 1 application. The Department will determine on a case-by-case basis if enforcement action is warranted for facilities that fail to submit a Part 1 application by May 15, 2002. **[April 2002]**

10. My facility has undergone a 112(g) review in the past (i.e., was issued a construction permit with a MACT limit through 112(g)). Is my facility exempt from 112(j)?
 - A. There is no 112(j) exemption for facilities or processes that have been issued a 112(g) permit in the past. If the Department makes a 112(j) determination for a process or facility, it will reevaluate the 112(g) determination to ensure the MACT limits previously issued meet the minimum 112(j) requirements. **[April 2002]**
11. There is an exemption in 112(g) for “electric utility steam generating units.” Are utilities exempt from 112(j)?
 - A. There is no blanket exemption for utilities under 112(j). However, since the source category for “coal and oil-fired electric steam generating units” was not added to the Section 112(c) list until December 20, 2000, units subject to this MACT standard are not subject to the May 15, 2002, 112(j) application deadline. Other units at utilities such as boilers or combustion turbines may be subject to the Boiler MACT (Subpart DDDDD) or Combustion Turbine MACT (Subpart YYYY), respectively. If so, a Part 1 application will be due for these units by May 15, 2002. In addition, the 112(g) exemption for electric utility steam generating units is no longer applicable since the EPA has added this source category to the 112(c) list and plans to issue a MACT standard for this source category by December 2004. **[April 2002]**
12. Are processes installed after May 15, 2002, subject to 112(j)? Will 112(g) also be applicable? Can facilities take a limit to avoid 112(g)?
 - A. Processes installed after May 15, 2002, that emit hazardous air pollutants will be required to submit a Part 1 application if the EPA has not finalized the MACT standard that would apply to the process. If the new process will increase emissions by 10 tpy of a single HAP or 25 tpy of a combination of HAP’s, 112(g) may also be applicable. If 112(g) is applicable, the facility will have to submit a 112(g) application with its preconstruction permit application. The 112(g) emission limits issued by the permitting authority must be complied with upon initial startup of the new process. The Part 1 application for 112(j) must be submitted within 30 days of issuance of the 112(g) permit or within 30 days of startup of the new process (see §63.52(b) for the exact dates). A facility can limit its PTE prior to construction of the new process to avoid 112(g). **[April 2002]**
13. My facility is already subject to a MACT standard. Why did I get a letter from DHEC about 112(j)?
 - A. Being subject to one MACT standard does not automatically exempt a facility from being subject to other MACT standards. Most facilities will be subject to multiple MACT standards. Each facility should evaluate all MACT source categories to determine applicability. For instance, most facilities will be subject to the Boiler and Process Heater MACT (Subpart DDDD). See question 5 above. **[April 2002]**

14. Are municipal solid waste (MSW) landfills that are subject to the new source performance standards (NSPS) for MSW landfills subject to 112(j)?
- A. The MACT standard for MSW landfills may include area sources (i.e., non-major HAP sources) subject to the NSPS standard. However, Section 112(j) only applies to major HAP sources that are required to obtain a Title V permit. Therefore, area sources subject to the MSW landfill MACT would not be subject to 112(j). **[April 2002]**
15. Are publicly owned treatment works (POTW) potentially subject to the POTW MACT subject to 112(j)?
- A. The POTW MACT may include POTWs that are not major HAP sources (i.e., area sources). However, Section 112(j) only applies to major HAP sources that are required to obtain a Title V permit. Therefore, area sources subject to the POTW MACT would not be subject to 112(j). **[April 2002]**

NOTE: Answers to the above questions are subject to change as the 112(j) program requirements change. Please see the latest “MACT Hammer Update” on our website for the latest information.